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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,026	09/03/1999	CHARLES A. PEYSER	020748.0103PTUS	6211
7590 IP Department Patton Boggs, LLP Suite 3000 2001 Ross Avenue Dallas, TX 75201			EXAMINER GARG, YOGESH C	
			ART UNIT 3625	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/390,026

Applicant(s)

PEYSER ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicant's amendment received on 11/6/2006 is acknowledged and entered. The applicant has amended claim 39. Currently claim 39 is pending for examination. .

### ***Response to Arguments***

2. Applicants arguments filed on 11/6/2006, see Remarks, concerning claim 39 have been considered but are moot in view of the new ground(s) of rejection necessitated due to current amendment.

### ***Claim Rejections - 35 .USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various . claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.58 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent 8,345,090), hereinafter, referred to as Walker in view of Abelow (US Patent 5,999,908)

With regards to claim 39, Walker discloses a method for purchasing telecommunication services, comprising:

receiving a request for purchasing at least one telecommunication service at a server, the request being associated with a buyer, generating an offer to provide the at least said telecommunication service to the buyer in response to receiving the request, the offer being associated with a provider of said telecommunication services, receiving a response to the offer, wherein the response is associated with the buyer, and notifying the provider of the response and an identity of the buyer (see at least FIG.1a, ' Calling party 110 " represents. buyers' terminals, °CPO management system 100 [ see also Fig.3] represents the sever which is requested for the required service by the buyer, and " Inter exchange carrier 1, 2....N" correspond to different providers of services, col.4; tines 39-52, receiving and processing CPOS for telephone calls from one or more calling parties, such as a calling party 110... ;and col.6, line 84-col.7, firm 9 ," ... Figs. 8a and lb, to provide (i) each CPO to the inter exchange carriers 120... ...". Also see col.3, lines 8-67. Note: Walker further discloses that on receiving responses from the number of inter exchange carriers, that is the service providers, the buyer is notified about the offers and if the buyer accepts an offer the contract is completed, that is the seller is informed and services accepted from the seller for said buyer and payment made);

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Walker does teach receiving information regarding prior use of telecommunication services of the buyer (see at least col.8, lines 11-28, and col.8, fine 59-col.9, fine 7, "**FIG. 4 illustrates an exemplary customer database 400 that preferably stores information on each customer (calling party) of the CPO management system 900, including biographical information and an indication of the local telephone company serving each customer.** ..... customer database 400 includes the customer's address in field 445, the manner in which the customer is bound in field 450, an indication of the local telephone company serving the customer in field 455 and the customer's telephone number in field 460. The telephone number stored in field 460 may be utilized, for example, as a customer identifier to index a historical database (not shown) of previous transactions associated with the customer. " Note: Walker's suggestion of utilizing the stored telephone number information as a customer identifier to index a historical database correspond to receiving information about prior use of telecommunication services of the users/buyers).

Walker does not explicitly disclose that the prior use information is received from the buyer and using this information to generate the offer from the provider of services. However, in the same field of endeavor, Abelow discloses using prior use information from the customer/buyer in redesigning and improving the services and products offered to the buyer/customer (see at least Abelow, Fig.1, block "30", " Use customer and user information to redesign and improve products, services", col.6, lines 46-65, col.8, lines 15-32, col.9, lines 38-46, col.12, lines 5-16[refers to telecommunication services, such as interactive home television, electronic books, wireless mobile electronic devices, etc.]

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and col.18, lines 11-50. In view of Abelow, it would have been obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Walker to incorporate the teachings of using prior use information of the buyer in providing telecommunication services/generating offers for telecommunication services to a potential buyer because, as clearly demonstrated in Abelow, it would help the sellers/suppliers/vendors/manufacturers to incorporate the customer's feedback and provide better and improved designed services/products thus helping businesses to provide more satisfaction and improved services/products to buyers/customers.

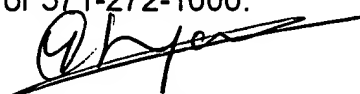
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg  
Primary Examiner  
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YCG  
2/1/2007